

Ordinance No. 2181

AN ORDINANCE OF THE CITY OF FREMONT AMENDING TITLE VII (BUILDING REGULATIONS) OF THE FREMONT MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 8 REGULATING DEMOLITION OF DAMAGED STRUCTURES AFTER A DISASTER

The City Council of the City of Fremont does ordain as follows:

Section 1:

Title VII (Building Regulations) of the Fremont Municipal Code is hereby amended by the addition of Chapter 8 to read as follows:

Chapter 8 POST-DISASTER DEMOLITION

Sec. 7-8100. Title.

This chapter shall be known as the "Post-Disaster Demolition Ordinance".

Sec. 7-8105. Intent.

This chapter establishes demolition criteria for all buildings and structures damaged as a result of a event as defined in this chapter to the degree that demolition is the only alternative to remove the imminent threat to the public health and safety.

Sec. 7-8110. Application of Provisions.

The provisions of this chapter are applicable to all buildings, structures and building sites regulated by the City of Fremont following each event.

Sec. 7-8115. Definitions.

For the purposes of this chapter, the following definitions apply:

- (a) Event shall mean any natural or human created occurrence which results in a disaster declaration by a governmental entity, including the city council of the

City of Fremont, the governor of the State of California and the President of the United States, authorized to issue such a declaration and shall include wind storms, earthquakes, and after shocks, fires, floods, hazardous materials incidents and other occurrences resulting in a disaster declaration.

- (b) Historic structure shall be any structure included on the National Register of Historic Places, the state register of historic places or points of interest, or listed as a local primary historic resource.**

Sec. 7-8121. Demolition Criteria.

- (a) Following an event, any structure determined by the building official to present an imminent hazard to public health and safety or to pose an imminent threat to the public right of way may be condemned and immediately demolished.**

(1) Such condemnation and demolition shall be performed in the interest of public health and safety without condemnation hearings otherwise required by the Uniform Code for the Abatement of Dangerous Buildings Section 401, Chapter 1, Title VII of this code (Ordinance 2007). For the purposes of this subsection, the authority vested in the Director of Planning pursuant to Section 8-21915(b) of this Code, shall be exercised by the city of Fremont City Manager.

(2) Prior to commencing demolition, the building official shall photographically record the entire building or structure to the extent reasonably feasible without endangering city personnel or the public health and safety and she or he shall prepare a written statement of structural deficiency. Failure to photograph the structure or prepare the written statement of structural deficiencies shall not invalidate any proceeding under this chapter.

(3) A) The building official shall exercise reasonable diligence to give prompt written notice of the intended demolition prior to demolition. Notice shall be given by first class mail postage prepaid to the last known owner of record shown in the public record. The written notice shall state the street address and parcel number of the structure intended for demolition.

B) The written notice required by this chapter shall not delay demolition of any structure. The failure of any owner to receive notice prior to demolition shall not invalidate any proceeding pursuant to this chapter.

- (b) Subpart (a) shall not apply to any historic structure described in Public Resources Code 5028 or to any structure which the building official determines can, within a reasonable time limit, be braced, shored or otherwise secured by fencing or other means in such a manner as to mitigate the imminent hazard or threat.**

Sec. 7-8125. Demolition of Historic Buildings or Structures.

(a) Any historic structure described in Public Resources Code 5028, determined by the building official to present an imminent threat to the public of bodily harm or of damage to adjacent property, may be demolished as provided in Public Resources Code 5028.

(1) Prior to commencing demolition, the building official shall photographically record the entire structure to the extent reasonably feasible without endangering city personnel or the public health and safety, and shall prepare a written statement recording the structural deficiencies in the structure which support the building official's decision to demolish the structure. Failure to photograph the building or prepare the written statement of structural deficiencies shall not invalidate any proceeding under this chapter.

(2) As an alternative to demolition, whenever feasible within reasonable time limits as determined by the building official, the structure shall be braced, shored, or secured by fencing or other means, at the direction of the building official, in such a manner as to mitigate the hazard to public health and safety or the hazard to the public right of way.

(b) Whenever the city manager (or designee) finds a historic structure poses an imminent threat to the public of bodily harm or of damage to adjacent property, no demolition permit shall be required as otherwise provided in Fremont Municipal Code 8-21925(b)(2).

Section 2:

This ordinance shall be published once in *The Argus*, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont, within 15 days from and after its adoption and shall take effect and be enforced 30 days after adoption.

The foregoing ordinance was duly introduced before the City Council of the City of Fremont, County of Alameda, at the meeting of the City Council of such City, held on the 4th day of June 1996, and finally adopted at a regular meeting of said Council held on the 18th day of June 1996, by the following vote, to wit:

AYES: Mayor Morrison, Councilmembers Dutra, Wasserman, Zager, and Zlatnik

NOES: None

ABSTAIN: None

ABSENT: None

GUS MORRISON

Mayor

ATTEST:

APPROVED AS TO FORM:

BARBARA HOWARD
City Clerk

JAMES E. GONZALES
Sr. Deputy City Attorney